

## NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 27, 2005 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1701, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send a copy of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Karen Billups or Amy Millet.

AUTHORITY FOR COMMITTEES TO  
MEETCOMMITTEE ON BANKING, HOUSING AND URBAN  
AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 15, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Keith E. Gottfried, of California, to be General Counsel of the U.S. Department of Housing and Urban Development; Mr. Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service; Mr. Darryl W. Jackson, of the District of Columbia, to be Assistant Secretary of Commerce; Ms. Kim Kendrick, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development; Mr. Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade; Mr. David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration; Mr. Keith A. Nelson, of Texas, to be Assistant Secretary of Housing and Urban Development; and Ms. Darlene F. Williams, of Texas, to be Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, at 2 p.m. to hold a hearing on U.S.-Indonesia Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 15, 2005, at 10:30 a.m. to consider the nominations of Stewart A. Baker to be Assistant Secretary, Department of Homeland Security, and Julie L. Myers to be Assistant Secretary, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Thursday, September 15, 2005 at 9:30 a.m., in the Hart Senate Office Building Room 216.

## Witness List

Panel I: Stephen L. Tober, Esq., Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Portsmouth, NH; Tom Hayward, Esq., Past-Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Esq., DC Circuit Representative, American Bar Association, Washington, DC.

Panel II: The Honorable Dick Thornburgh, Former Attorney General of the United States, Former Governor of Pennsylvania, Counsel, Kirkpatrick & Lockhart Nicholson Graham, Washington, DC; The Honorable John Lewis, United States House of Representatives, D-GA-5th District; Jennifer Cabranes Braceras, Esq., Commissioner, U.S. Commission on Civil Rights and Visiting Fellow at the Independent Women's Forum, Boston, MA; Wade Henderson, Executive Director, Leadership Conference on Civil Rights, Washington, DC; Peter Kirsanow, Esq., Partner, Benesch, Friedlander, Coplay & Aronoff and Commissioner, U.S. Commission on Civil Rights, Cleveland, OH; The Honorable Nathaniel Jones, Retired Judge, U.S. Circuit Court of Appeals to the Sixth Circuit, Of Counsel, Blank Rome LLP, Cincinnati, OH.

Panel III: Maureen E. Mahoney, Esq., Partner, Latham & Watkins, Washington, DC; Carol M. Browner, Former Administrator, U.S. Environmental Protection Agency, Principal, The Albright Group, Washington, DC; Kathryn Webb Bradley, Esq., Senior Lecturing Fellow, Duke Law School, Durham, NC; Anne Marie Tallman, President and General Counsel, Mexican American Legal Defense and Education

Fund, Los Angeles, CA; The Honorable Denise Posse-Blanco Lindberg, Judge, Third Judicial District Court, State of Utah, Salt Lake City, UT; Reginald M. Turner, Jr., President, National Bar Association, Detroit, MI.

Panel IV: Catherine E. Stetson, Esq., Partner, Hogan & Hartson, Washington, DC; Marcia Greenberger, Co-President, National Women's Law Center, Washington, DC; The Honorable Bruce Botelho, Former Attorney General, State of Alaska, Mayor of Juneau, Juneau, AK; Rockerick Jackson, Coach, Ensley High School, Birmingham, AL; Henrietta Wright, Esq., Of Counsel, Goldberg, Godles, Wiener and Wright and Chairman of the Board Dallas Children's Advocacy Center, Dallas, TX; Beverly Jones, Lafayette, TN.

Panel V: The Honorable Charles Fried, Former Solicitor General of the United States, Beneficial Professor of Law, Harvard Law School, Cambridge, MA; Peter B. Edelman, Professor of Law; Co-Director, Joint Degree in Law and Public Policy, Georgetown University Law Center, Washington, DC; Patricia L. Bellia, Professor of Law, Notre Dame Law School, South Bend, IN; Judith Resnik, Arthur Liman Professor of Law, Yale Law School, New Haven, CT; Christopher S. Yoo, Professor of Law, Vanderbilt University Law School, Nashville, TN; David Strauss, Harry N. Wyatt Professor of Law; University of Chicago Law School, Chicago, IL.

Panel VI: Diana Furchtgott-Roth, Senior Fellow, Hudson Institute, Washington, DC; Robert Reich, University Professor and Maurice B. Hexter, Professor of Social and Economic Policy, Brandeis University, Waltham, MA; Rabbi Dale Polakoff, President, Rabbinical Council of America, Great Neck, NY; Susan Thistlethwaite, President, Chicago Theological Seminary, Chicago, IL; The Honorable John Engler, Former Governor of Michigan, President, National Association of Manufacturers, Washington, DC; Karen Pearl, Interim President, Planned Parenthood Federation of America, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, to mark up the following bills: Committee Print of S. 1182, Chairman Larry E. Craig, the "Veterans Health Care Improvements Act of 2005," incorporating original provisions and provisions derived from S. 1182, as introduced; S. 1177; S. 1189; and S. 1190; and S. 716, Ranking Member DANIEL K. AKAKA, the "Vet Center Enhancement Act of 2005. The markup will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that privilege of the floor be granted to John Ziolkowski, Fitzhugh Elder, Hunter Moorhead, Dianne Preece, Galen Fountain, Jessica Frederick, William Simpson, Tom Gonzales, Luke Johnson, Phil Karsting, as well as Stacy McBride, a detailee from the Food and Drug Administration to the Committee on Appropriations, during consideration of this H.R. 2744.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CALENDAR

Mr. FRIST. Mr. President, I will be running through a lot of business which reflects a tremendous amount of work over the last several hours, the last several days, much of it in response directly to the natural disaster of Katrina and its aftermath. There are a number of other bills that I will mention as well as we close tonight.

## MEASURES READ THE FIRST TIME—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 1715) to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

A bill (S. 1716) to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

Mr. FRIST. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

## EMERGENCY TAX RELIEF

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3768, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1728) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 3768), as amended, was read the third time and passed.

## VITIATION OF ACTION ON S. 1696

Mr. FRIST. Mr. President, I further ask unanimous consent that third reading and passage of S. 1696 be vitiated, and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPORT FOR PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 243) Expressing Support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENSIGN. Mr. President, I rise today to speak about yesterday's court decision which ruled that the Pledge of Allegiance is unconstitutional. I am concerned, but certainly not surprised, with this decision. And I am very concerned with the decision's implications.

It is time for us to take a stand against activist judges who seek to circumvent the will of the American people and who issue judgments flying in the face of decency and common sense. With all that is going on in our world today, to attack the Pledge of Allegiance because it contains a reference to God is ludicrous.

Most Americans were outraged when the Ninth Circuit Court of Appeals ruled that the Pledge of Allegiance was unconstitutional. Last year, the Supreme Court dismissed the case. The Supreme Court said that the plaintiff in the Pledge of Allegiance case did not have standing. The Court found that, because he was not the custodial parent, he could not object to his daughter's reciting the pledge of allegiance in school.

When that decision came down, many people, myself included, knew that it would only be a matter of time before the plaintiff, Michael Newdow, would be back. We were right. Yesterday, the Court, looking to the previous ninth circuit decision, ruled that the use of the simple phrase "under God" was a religious act. The Court found that a school policy involving the recital of the Pledge of Allegiance had a coercive religious effect.

I strongly disagree that the pledge is coercive. I also strongly disagree with

the court's decision. The Pledge of Allegiance, in addition to containing a statement of common values and patriotism, recognizes historic facts behind our Nation's founding. There are so many references in America to God, our Creator. Those references can be seen in our currency, on public buildings, even in the Declaration of Independence which is displayed a few blocks from the Capitol in the National Archives.

This recent decision further emphasizes our Nation's need for judges who are respectful of people of faith and for judges who understand that America's continued reference, and reverence, toward the Creator are very important to our common culture.

Mr. SANTORUM. Mr. President, I rise in support of the resolution expressing the strong disapproval of the Senate to the September 14, 2005, decision by the U.S. District Court for the Eastern District of California in the case of Newdow, et al. v. The Congress of the United States of America, et.al.

This decision is a prime example of why we need to put judges on the bench who will strictly interpret the law and not legislate from the bench. Judges are not politicians. They are on the bench to hear the cases in front of them, not to pursue their own personal political agendas. We need more judges that will decide each case based on the facts and the law, not legislate from the bench.

Like most Americans, those of us who are not serving on the Judiciary Committee have watched intently as President Bush's nominee for Chief Justice of the Supreme Court has stood up to the over 21 hours of questioning. Judge John Roberts has been asked nearly 500 questions, and his responses have added to the more than 76,000 pages of documents concerning his Federal Government service. The hearings themselves have proved to be an incredible civics lesson for the American public, and to some extent the Senate, on the role of judges.

I have been very impressed with Judge Roberts, both when we met and in his considerable response during these hearings. He is a modest and humble man who I believe will be a credit to our judicial system. As he stated in his opening remarks, "[i]t is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world. Because without the rule of law, any rights are meaningless." Judge Roberts believes in judicial restraint, adherence to the rule of law, as well as a posture of modesty and humility in a court.

I believe that Judge Roberts is the kind of judge that America needs—a fair, independent and unbiased judge committed to equal justice under the law. If confirmed, I am convinced that Judge Roberts will strictly interpret the law and not legislate from the bench. As he said yesterday, he does not come to the bench or to a case with an agenda or a platform. In fact, he reminded my colleagues that he was not